Elections
Nova Scotia

Information
For
Prospective Candidates

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Table of Contents

Are you Considering Running for Election? 1

Elections Act Administration 1

Becoming a Candidate 1

Who Cannot be an Official Candidate? 2

Responsibilities Before the Call of an Election

1. Appointment of Official Agent 2
2. Registration with the Chief Electoral Officer 2
3. Filing the Annual Statement of Political Contributions 3

Responsibilities After the Call of an Election

1. How do you become an Official Candidate? 3
2. Election Contributions and Expenses 4
3. Only Your Official Agent May Handle Campaign Funds 4
4. Reimbursement Following General Election 5
5. Payment of Auditor 5

More Guidelines Available 6

Are you Considering Running for Election?

If you are considering running for election, whether in a general election or by-election this brochure has been prepared by Elections Nova Scotia with you in mind. It includes basic electoral information, the steps you must take to be a candidate, and the responsibilities you will have as a candidate. In general, the same rules and responsibilities apply to a candidate in a general election or a by-election.

Elections Act **Administration**

Members of the Nova Scotia House of Assembly (also called Members of the Legislative Assembly or MLAs) are elected from 52 electoral districts. Each electoral district has a Returning Officer appointed by the Cabinet to administer the election in that district.

The Chief Electoral Officer, also appointed by Cabinet, provides overall direction and supervision of Returning Officers and the administrative conduct of the electoral process throughout the Province. The Office of the Chief Electoral Officer (Elections Nova Scotia) is a non-partisan agency coordinating the electoral process in the Province.

Becoming a Candidate ***(Elections Act, Sections 3(d), 65)***

You can be a candidate of your party following a contest or an endorsement by the party anytime between elections. You may also declare your intention to run as an independent candidate anytime between elections.

However, whether or not you have been nominated by your party or intend to run as an independent candidate, you must be officially nominated as a candidate under the ***Elections Act*** before you are eligible to run for a seat in the House of Assembly.

To be officially nominated as a candidate, you must be:

- a Canadian citizen,
- 18 years or older, and
- not disqualified or ineligible to be a candidate or MLA under the *Elections Act*, the *House of Assembly Act*, or any other provincial Act.

Who Cannot be an Official Candidate?

Senators, MPs, holders of certain government contracts, individuals rendered ineligible by the courts, and those serving certain long-term sentences are disqualified from sitting as MLAs by the *House of Assembly Act*.

Responsibilities Before the Call of an Election

Even before the call of an election, it is necessary for candidates to register with the Chief Electoral Officer and to disclose political contributions. The following steps must be taken.

1. **Appointment of Official Agent**

   Although the notice of appointment of your Official Agent and of your auditor is not required until the filing of your Nomination Paper, you must at least appoint your Official Agent before there is any fund-raising or spending for your campaign. You are required to have these donations audited if they exceed $5,000.00 in a non-election year. You must appoint an auditor should this circumstance occur.

   There is no particular form to appoint an Official Agent; a letter will suffice. Both the Candidate and the Official Agent should keep a copy of the appointment. A sample letter is included.

   When the Official Agent is appointed, the Handbook for Official Agents of Candidates should be obtained from Elections Nova Scotia. The handbook details the rules concerning disclosure, donations, tax receipts, spending limits, disposal of excess contributions, and all reporting requirements and offences imposed by the legislation.

2. **Registration with the Chief Electoral Officer**

   Once you have determined that you are going to run for office, you must register with the Chief Electoral Officer. *This can be done at the same time that your file your Nomination Papers.*

   This is a requirement of the *Members and Public Employees Disclosure Act.* Form 1, prescribed under the *Political Contributions Disclosure Regulations,* is used for registration of a candidate. The information required on the form includes the name, address, and telephone number of your Official Agent and

also of your auditor, if one has been appointed. You must also show on the form the name of the financial institution and the account number in which all your contributions are to be deposited. This form may be obtained from the returning office during an election.

3. Filing the Annual Statement of Political Contributions

Should your Official Agent receive any political contributions in a year in which an election is not held, these contributions must be disclosed by March 31st of the next year. Form 3 under the *Political Contributions Disclosure Regulations* may be used for that purpose.

Any financial contributions you receive as a candidate between elections or after your official nomination as a candidate must be disclosed. Your Official Agent is required by the *Members and Public Employees Disclosure Act* to file with the Chief Electoral Officer a disclosure statement showing the names and addresses of donors each of whom contributed more than $50.00 toward your campaign. This must be done before March 31st in a non-election year, or after the election is over in an election year.

The names disclosed in your statement are subsequently published by Elections Nova Scotia. Where there has been an election, your disclosure statement is submitted to the Returning Officer together with your campaign finances report at the end of the campaign period.

You can contribute to your own campaign, but your contributions must be deposited into the campaign account and recorded and disclosed in the same manner as any other contribution.

Responsibilities after the Call of an Election

1. How do you become an Official Candidate? *(Elections Act, Section 66)*

If you wish to be officially nominated as a candidate, you must file your Nomination Paper with the Returning Officer during the period starting about 27 days before the election and **ending at 2:00 p.m. on the Tuesday, 14** days before the election.

No one can be officially nominated until after the election is called.

To be valid, your completed Nomination Paper must include:

- your name, address, and signed consent to be a candidate
- the names, signatures, and addresses of at least five nominators who are qualified electors in your electoral district
- the names and addresses of your Official Agent and your auditor
- a deposit of $100.00 in a money order or certified cheque payable to the Minister of Finance, and
- a statement signed by your party leader confirming that you are the party's official candidate in the electoral district. (This does not apply if you are an independent candidate).

2. Election Contributions and Expenses

There are laws and regulations governing the contributions to and expenditures of candidates campaigning for election.

The laws have four main features, namely:

- recording and disclosing sources of contributions
- limits on election expenses for candidates
- public subsidy of eligible campaign expenses for candidates who receive over 15% of valid votes cast, and
- a system of income tax credits for contributions made to candidates during an election.

3. Only Your Official Agent May Handle Campaign Funds

You are not allowed to collect or spend any campaign funds as a candidate. Only your Official Agent is authorized to collect donations, issue income tax receipts, and incur your campaign expenses.

Tax receipts for donations to your election campaign are issued by your Official Agent during the campaign period, only after your official nomination as a candidate. Your Official Agent will receive a book or books of receipts from the Returning Officer *when your nomination is approved by the Returning Officer*. The receipts must be accounted for when your campaign finances report is filed at the end of the election campaign. *Officially, the campaign period ends one month after election day.*

4. Reimbursement Following General Election

Following a general election, your campaign is entitled to receive a provincial government rebate for a portion of your election expenses, if you receive more than 15% of the valid votes cast in the election. In order to qualify for the rebate, your Official Agent must first submit reports documenting campaign contributions and expenses, along with supporting receipts and other documentation.

The rebate is calculated using a formula in the *Elections Act,* but it cannot exceed the total of your valid campaign expenses. The formula used is based on the number of electors in the electoral district and is indexed to the cost of living. For information, the rebate in the last general election (2003) was $1.24 per elector.

Not all expenses incurred by a candidate fall under the definition of "election expenses" in the *Elections Act.* Some personal expenses such as wardrobe enhancement, family care expenses, or salary replacement are not expenses that will be accepted for purposes of the public reimbursement. Before the campaign begins, establish with the party or electoral district association which of these expenses will or will not be covered by the party or electoral district association.

5. Payment of Auditor

You are responsible for paying your auditor. However, the actual fees for the required audit are reimbursed by Elections Nova Scotia to a maximum of $300.00.

More Guidelines Available

This brochure is primarily for convenience. It gives a basic overview of the steps to be a candidate and some of the responsibilities of a candidate. If you need complete and accurate reference, it is recommended that you review the ***Elections Act*** and other relevant legislation.

Additional information may be obtained during an election from the Returning Office when the Nomination Paper is obtained.

The *Elections Act* and other legislation is available on line at:
www.gov.ns.ca/legislature/legc

To request documents or to make general enquiries, please contact:

Elections Nova Scotia
3667 Strawberry Hill
P.O. Box 2246
Halifax, Nova Scotia
B3J 3C8

Telephone and Fax

Business:	902.424.8584
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Fax:	902.424.6622
E-mail:	elections@gov.ns.ca
Website:	www.gov.ns.ca/elo

Appendix
Sample letter when Appointing an Official Agent

June 15, 2002

John Brown
23 Old Hills Street
Halifax NS B3B 2K4

I am a candidate for the election for the House of Assembly in the electoral district of Halifax North.

I appoint you as my Official Agent to fulfill all the responsibilities required of an Official Agent under the *Elections Act* and the *Members and Public Employees Disclosure Act*

Mary Smith
XYZ Party Candidate
Halifax North